

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

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Report

TO: Members of the Judicial Council

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SUBJECT: Additional Allocation of Trial Court Security Funds (Action Required)

Issue Statement

The Judicial Council has authority to approve the allocation of funding to the trial courts. This report presents recommendations for trial court security allocations based on adjustments to the court security funding standards.

Recommendation

Administrative Office of the Courts staff recommends that the Judicial Council:

1. Approve additional allocations of \$8.517 million from the state appropriations limit (SAL) percentage adjustment to courts to address costs for confirmed changes in security negotiated salary increases, retirement, and other benefits ("SAL Funding Final"), and set aside up to \$2.669 million for those courts that have anticipated increases, to be allocated in the amount needed, once their cost needs are confirmed ("SAL Funding Pending"), as indicated in the two columns on Attachment 1; and
2. Delegate authority to the Administrative Director of the Courts to make technical adjustments to the allocations as required.

Rationale for Recommendation

Background

Assembly Bill 1759 (Stats. 2003, ch. 159) amended Government Code section 69927 to require that the Judicial Council establish a working group on court security and to make recommendations to the council on court security practices. The Court Security

Working Group was charged with the development and implementation of uniform standards and guidelines that may be used in the provision of trial court security services. The legislation further provided that the Judicial Council, after requesting and receiving recommendations from the working group on court security, shall promulgate and implement rules, standards, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.

The Judicial Council originally approved security funding standards in July 2004. In April 2005, the council approved (1) revisions to the funding standards, (2) allocations of a portion of the ongoing \$22 million security reduction, and (3) a number of security program policy recommendations. Also at the April meeting, the council delegated authority to Administrative Office of the Courts (AOC) staff to make technical adjustments to the court security funding standards after updated court security cost data was received.

At its July 25, 2005, meeting, the council approved initial allocations to the trial courts of ongoing deficiency funding and funding provided through the percentage change in the state appropriations limit (SAL) contained in the Budget Act of 2005. These allocations were approved only for those courts where final mandatory security cost information was known.

This report consists of two parts. The first part contains a discussion of technical adjustments to the security funding standards that do not require the council's approval. The second part presents additional allocations to the courts for the Judicial Council's consideration and approval, based upon the technical adjustments to the funding standards.

Discussion of Technical Adjustments to Security Standards

Three different types of technical adjustments were made to the security standards. One involves separating out specific types of costs from the salary and benefit costs for security personnel. The second concerns a change to the way the costs of supervision are established. The last involves updating salary and benefit costs based on the results of recent security negotiations that affected various courts.

Separating Out Specific Types of Costs From Salaries and Benefits to Create Comparable Data

All of the existing funding standards—Entrance Screening, Courtroom and Internal Security, Internal Transportation/Holding Cells/Control Rooms, and Supervision—are staffing ratios that are then multiplied by the mid-step salary and benefits for either a

PC 830.1 deputy sheriff¹ or a sergeant (or deputy marshal and marshal, where these positions are used). When the funding standards were originally calculated, AOC staff included all cost items for which the courts were paying, not just salaries and benefits. These costs might include training, supplies and equipment, and uniforms. Upon closer examination it was determined that some courts included certain cost items in their salaries, such as uniform allowances, that other courts reported as “other costs.” Some courts did not report these costs at all because they were not paying for them. Because courts were not consistently paying for the same items, incorporating these costs into the cost on which the standard was based resulted in a standard that could not be equitably applied.

In order to be sure that the standards are being applied consistently from court to court, AOC staff needed to remove the other costs that had previously been included. The courts were requested to resubmit their salary and benefits information, deducting any of these other cost items from salaries and benefits, and reporting them on a different section of the survey. In this way, only pure salary, a finite number of identified allowable benefits, overtime, and leave payout would be included in salary and benefits. As a result of this request, many courts contacted their sheriffs to determine whether these items had been incorporated in their salary and benefit costs and, if so, obtain revised survey forms. While these specific costs are separated out from salaries and benefits for the purpose of the standards calculation, they are still an actual cost to the court at this point in time. Therefore, these other cost items have been added in after the standards are calculated and, on an interim basis, would be funded for the courts in fiscal year 2005–2006. The revised standards are now based on mid-step salary and benefit costs that include only salaries, overtime, holiday pay, and terminal pay.

Related to this subject, the costs for some of the services, training, uniforms, and supplies and equipment costs, such as batons, bulletproof vests, and sidearms, vary widely from one court to another. To address these differences in all other costs, a subcommittee of the Court Security Working Group was created to work with AOC staff to develop a recommended standard complement per position to simplify the funding model and to ensure more consistency and uniformity in reimbursable costs. When a recommendation has been developed and discussed by the full Court Security Working Group, it will be presented to the council for its consideration. It is contemplated that this standard complement will be used for allocation of the fiscal year 2006–2007 SAL security funding.

¹ A PC 830.1 deputy sheriff is a position that has full peace officer authority within the political subdivision that employs him or her. (Pen. Code, § 830.1).

Change to the Method by Which the Mid-Step Supervision Cost Is Established

The Supervision standard, as previously approved, was 1 sergeant position per 12 nonsupervisory security positions. Subsequent survey information indicated that approximately 20 courts were paying for management positions,—i.e., lieutenants, commanders, and captains—all of which cost substantially more than a sergeant. These courts were disadvantaged with the original standard because it was based on the mid-step salary and benefit cost for a sergeant, regardless of the actual supervision positions utilized in the court. When the costs of Senate Bill 1396² are fully funded, the standard will need to be expanded to include management staff.

In the interim, the mid-step sergeant salary/benefits was adjusted for those courts utilizing levels above sergeant, which more realistically relates to their actual practices and costs. As an example of this adjustment, if a court utilizes three sergeants, two lieutenants, and one captain, at the following mid-step salary and benefits costs,—\$110,250, \$133,890, and \$155,315, respectively,—the formula to determine the mid-step supervision/management cost would be:

$$(\$110,250 \times 3) + (\$133,890 \times 2) + (\$155,315 \times 1) \div 6 = \$125,641$$

This results in a higher mid-step cost than using just the sergeant cost of \$110,250.

Changes Due to Security Negotiations

As mentioned in previous reports, security unit bargaining negotiations occur at different times in different counties. In mid-September, AOC staff again asked the courts to provide revised security cost information if security negotiations had recently been completed that would change the cost of salaries, retirement, and other benefits. Several courts had updated information, while others told staff that negotiations are either still proceeding or have not yet begun. This information, plus all of the technical adjustments previously described, was used to update the security funding standards.

The above technical adjustments and methodology changes to the security funding standards were presented to the Court Security Working Group at its meeting on September 16, 2005. The working group supported the adjustments and changes. The adjusted security standards based on the above changes are indicated below.

² Senate Bill 1396 (Stats. 2002, ch. 1010) provides a definition of the court security component of court operations and modified California Rule of Court Rule 810. It describes the allowable costs for court security which are the responsibility of the court. Due to the economic conditions of the state at the time it was enacted, the language contained the provision that any new court security costs permitted by the legislation would not be operative unless the funding was provided by the legislature. Some courts are already paying for these allowable costs, while many are not. AOC staff, pursuant to the directive of the Judicial Council at its August 26, 2005 meeting, submitted a budget change proposal to the state Department of Finance to receive funding for the increased security costs that will result due to fully implementing SB 1396.

Entrance Screening

PC 830.1 FTEs ³ per Entrance Screening Station (mid-step)	Average Weighted Filings/Location
1.4	0-249,999
1.6	250,000 – 899,000
1.85	900,000 – 2,000,000

Courtroom and Internal Security

Cluster	Judicial Position Equivalents (JPEs) ⁴	PC 830.1 FTEs per JPE/AJN ⁵ (mid-step)
1	1.1 – 4.0	1.10
2	4.1 – 20.0	1.30
3	20.1 – 59.9	1.35
4	60.0 – 600.0	1.35

Internal Transportation, Holding Cells, and Control Room

Cluster	Judicial Position Equivalents (JPEs)	PC 830.1 FTEs per Adjusted AJN ⁶ (mid-step)
1	1.1 – 4.0	0.22
2	4.1 – 20.0	0.29
3	20.1 – 59.9	0.34
4	60.0 – 600.0	0.49

Supervision/Management

The standard is 1 supervision/management position per 12 nonsupervisory security positions.

³ FTE means “full-time equivalent.”

⁴ JPE or “judicial position equivalent,” is a measure of judicial workload that includes authorized judicial positions adjusted for vacancies, assistance rendered by the court, and assistance received by the court from assigned judges, temporary judges, commissioners, and referees.

⁵ AJN stands for “assessed judicial need” and is a measure of the number of judicial positions required to process a court’s current filing workload. Depending upon the court, this could be higher or lower than the JPE. The methodology used for the courtroom and internal security standard uses the lesser of a court’s JPE or AJN, to ensure that courts with more judicial positions than are needed to manage existing workload do not receive more security funding than required.

⁶ Adjusted AJN is based on a court’s JPE plus 50 percent of the difference between each court’s JPE and AJN. For example, if a court has 50 JPEs and an AJN of 60, the court would receive funding for this standard based on an adjusted AJN of 55 judicial positions. This adjustment recognizes that many courts in the state need more judicial positions to process their current workload and that this additional workload has an impact on the number of security staff needed to transport and monitor prisoners in the court.

Security Allocations for Council Approval

The Judicial Council approved on July 25, 2005, the allocation (based on the then existing security funding standards) of \$1.363 million of the \$24.214 million from the SAL percentage adjustment to address costs for confirmed changes in security salaries, retirement, and other benefits, and set aside up to \$9.443 million for those courts that have anticipated increases. The council also approved the allocation of \$401,241 in unallocated fiscal year 2004–2005 funding to address confirmed increases in security-related costs and set aside up to \$2.371 million for courts that have anticipated increases. Staff was directed to return to the council with any additional allocations of the SAL funding for courts that have identified increases after the July council action. Many courts have subsequently notified staff that their fiscal year 2005–2006 security cost increases have been confirmed and will actually be incurred. Attachment 1 indicates the recommended funding based on the updated information and funding standards.

Fiscal year 2005–2006 mandatory security costs have not been finalized in all counties. Staff recommends funding at this time for only those courts with confirmed changes, rather than providing funding for speculative increases that may be over- or underestimated, and then requiring reallocation.

Alternative Actions Considered

Staff considered funding fiscal year 2005–2006 salary and benefit increases provided by the court and sheriff, regardless of whether the increases are confirmed or not. However, because security funding is limited and negotiations are still occurring or anticipated to begin in the near future, it seems inappropriate to fund amounts that are still subject to change. Taking this action would result in less funding available for all courts.

Comments From Interested Parties

The Court Security Working Group met on September 16, 2005, to discuss the proposed adjustments to the standards. The group, which is made up of representatives of courts, counties, sheriff's departments, and law enforcement unions, supported the technical changes.

Implementation Requirements and Costs

No additional funds are needed to implement these recommendations.

Attachment

Additional Allocation of FY 2005-2006 SAL Security Funding
Proposed for November 4, 2005, Council Action

Court Systems	SAL Funding Final	SAL Funding Pending
Alameda		1,070,657
Alpine		
Amador		
Butte	295,435	
Calaveras	(1,663)	
Colusa		
Contra Costa		
Del Norte		
El Dorado		42,815
Fresno		
Glenn		
Humboldt		
Imperial	96,036	
Inyo		
Kern		
Kings	(8,027)	
Lake	5,950	
Lassen		
Los Angeles	3,974,050	
Madera		
Marin	39,401	
Mariposa		
Mendocino		157
Merced		
Modoc		
Mono	1,405	
Monterey		730
Napa		
Nevada	136,487	
Orange		
Placer		
Plumas		
Riverside		
Sacramento		913,867
San Benito		
San Bernardino	1,883,948	
San Diego	1,132,193	
San Francisco		
San Joaquin	(2,271)	
San Luis Obispo		246,520
San Mateo	147,911	
Santa Barbara	359,006	
Santa Clara		
Santa Cruz		
Shasta		183,373
Sierra	13	
Siskiyou		(52,271)
Solano	5,029	
Sonoma	275,573	
Stanislaus	2,812	
Sutter	61,795	
Tehama		
Trinity	2,854	
Tulare		250,839
Tuolumne		
Ventura	109,544	
Yolo		
Yuba		12,210
Total:	8,517,481	2,668,897